

Morse, W. Travis SPK

From: Mark_McCutcheon@nps.gov
Sent: Tuesday, June 14, 2011 12:46 PM
To: Morse, W. Travis SPK
Subject: Re: contact info (UNCLASSIFIED)
Attachments: East Inlet Wetland Damage.doc; DSC01001.JPG; DSC00994.JPG; DSC01002.JPG; DSC00990.JPG

Travis,

Please see attached concerning my initial findings.

Mark C. McCutcheon
Rocky Mountain National Park
970-586-1526

(See attached file: East Inlet Wetland Damage.doc)(See attached file:
DSC01001.JPG)(See attached file: DSC00994.JPG)(See attached file:
DSC01002.JPG)(See attached file: DSC00990.JPG)

Date: June 14th, 2011

Subject: Wetland Damage to East Inlet Creek

From: Mark C. McCutcheon

Facts of the case known at this time:

SUMMARY

On June 8th, 2011, the park received a call from a Mr. John Swartz concerning possible wetland damage that was committed by a neighbor within the East Inlet Creek drainage. He alleged that a wetland, within his conservation easement incorporated inside the boundary of Rocky Mountain National Park, was "filled in" and a dike or dam built along the creek diverting water back into the park. I first spoke with Mr. Swartz on Thursday, June 9th, who stated his neighbor, Mr. Jim Bianco, illegally filled in a large section of wetland "this spring".

One June 10th, at 0830 hours, myself and Park Ranger Ray Miller inspected the site of the alleged manipulation of the stream. We found the following:

- A rock dike, approximately 120', recently built along the west bank of the East Inlet stream, keeping the waters out of adjacent wetlands.
- A wetland area, approximately an acre in size, recently filled in with truck loads of soil. (photo attached)
- Damaged, crushed, or recently removed willow and sedge vegetation. (photo attached)
- Stream water redirected back into the main channel and side channel of East Inlet Creek

Upon further inspection and investigation we discovered the following:

- Boundary and property markers approximately 35 and 60 feet west of the dike.
- Via boundary markers and aerial photographs the entirety of the rock dike along with approximately 1/3 of the recently filled wetland is within Mr. Swartz's conservation easement (RMNP).

On June 10th at approximately 1000 hours we contacted Mr. Jim Bianco and his wife at his residence of [REDACTED]. In a conversation with Mr. Bianco the following was understood:

- Bianco contacted Northern Colorado Water Conservancy (NCWC) and requested they, in essence, firm up and fill in the East Inlet Creek due to predicted high water. This was done with the intent of "saving property".
- NCWC inspected the area of concern and stated they would do so. NCWC, according to Bianco, stated they would not acquire a 404 Permit from the US Army Corps of Engineers because, "it's too slow".
- NCWC, with heavy equipment and trucks, built the dike and filled in the wetland in May of 2011.
- NCWC did not seek a permit nor did they inform the property owner, National Park Service, or Army Corps of Engineers before or after the construction project.
- The Bianco's have a life time legal restraining order against [REDACTED] from being within 100 feet of the Bianco's.

On June 14th I contacted the Grand Junction Office of the Army Corps of Engineers who oversee permitting within Grand County. They confirmed they had not received an application from NCWC nor were they contacted by NCWC when the project was completed. I contacted the office of NCWC at 1100 hours, left a message, and am waiting for a reply.

Mark C. McCutcheon
Colorado River District
Rocky Mountain National Park

